



Approved October 6, 2015

TOWN CLERK

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DUXBURY, MASS.

Town of Duxbury

Conservation Commission

Minutes of August 18, 2015

The Conservation Commission met on Tuesday, August 18, 2015 at 7:00 PM in the Mural Room at the Duxbury Town Hall.

Members Present: Chairman Corey Wisneski; Sam Butcher; Dianne Hearn; Holly Morris; Rob D'Ambruoso

Members Absent: John Brawley; Tom Gill

Staff Present: Joe Grady, Conservation Administrator; Susan Ossoff, Administrative Assistant

The meeting was called to order at 7:00 PM

PUBLIC MEETING; FOLEY-PAIGE; 199 KINGSTOWN WAY; DECK

This project is to replace a deck with a new deck that is bigger than the original deck. It is 55 feet from a stream and the coverage is below 15%. Joe Grady commented that the project complies with the Commission's rules and regulations.

On a motion by Sam Butcher, seconded by Holly Morris, it was voted 5-0-0 to issue a negative determination such that a Notice of Intent is not required for the deck project at 199 Kingstown Way.

CONTINUED PUBLIC HEARING; NOTICE OF INTENT; COLUCCI; 212 MARSHALL STREET; PIER SE18-1701

Paul Brogna, representing the applicant, explained that there are 2 parcels of land; one which is where the Colucci's house is located and another that is the beach property. The project is a pile supported walkway that is 4' x 79' and a 10' x 20' float. There are many properties in the neighborhood that have deeded access rights to the beach. The proposed site is at the north end of the parcel, away from the area used most by those with beach rights; however the regulations require the walkway to go across the shortest practicable distance of the salt marsh which in this case would be the area most used by those with beach access. Corey Wisneski asked about the northeast section of the beach; Mr. Brogna said that the angle of the walkway would be aesthetically unappealing if located there.

Joe Grady said that in the Notice of Intent it says the proposed pier is in land containing shellfish but noted that the plan does not show where the shellfish habitat is located. Mr. Brogna suggested this could be added after this hearing. Joe Grady noted that the wetlands evaluation report done by Brad Holmes does not mention shellfish.

Sam Butcher said this is a unique situation where the best location from the Commission's standpoint is the worst location for those with beach rights.

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Susan Maycock of 196 Marshall Street said her grandfather offered the original rights of way. She is concerned with the degradation of the marsh and that the chosen location is the narrowest part of the beach which will allow little space for passage for walkers.

Carolyn Ravenscroft of 33 Marshall Street said she is concerned that there should not be a pier given the number of homeowners with access rights in their deeds.

Marion Thayer of Morrison Street asked if all of the 21 properties sold by Mr. Brewer with deeded beach rights had been informed about this project and hearing. Joe Grady responded that an opinion has been requested from Town Counsel as to whether all those with deeded rights should have been notified but there has been no answer received yet. Paul Brogna said he had obtained a certified abutters list and notified all abutters; it is impossible to know who has deeded rights to the property.

Tony Kelso of Elder Brewster Road, who has deeded rights, said there are more than 30 property owners with rights. He wondered if property owners with deeded rights should bring up the inhibition of their rights by the possible pier structure; though this might be better addressed by the ZBA which comes later in the pier application process.

Sam Butcher said that Town Counsel can address the regulations regarding those with deeded beach rights, and that he believes the Commission should hire a consultant to help with the review of this project.

On a motion by Holly Morris, seconded by Sam Butcher, it was voted 5-0-0 to solicit 3 quotes for peer review of this project.

Susan Maycock of Marshall Street said she does not believe the vegetation as shown on the plan is accurate. Paul Brogna said he would take another look and revise the plan if necessary; Joe Grady said shellfish resource areas should also be on the plan.

On a motion by Sam Butcher, seconded by Holly Morris, it was voted 5-0-0 to continue the hearing for SE18-1701 until October 6 at 7:30 PM.

PUBLIC HEARING; HUNDLEY; 129 DUCK HILL ROAD; SEPTIC SE18-1706

Freeman Boynton III described the project which is to install a septic system to replace a system with 2 leaching pits located in the groundwater. The new system is designed with maximum feasible compliance. The leaching field will be 95.4' from the BVW, not the required 100'. Joe Grady said there are wetlands on both sides of the property, and that the soil absorption system has been located at a site most distant from the wetlands lines in the best location possible.

On a motion by Sam Butcher, seconded by Holly Morris, it was voted 5-0-0 to write Orders of Conditions for SE18-1706, 129 Duck Hill Road.

CONTINUED PUBLIC HEARING; 59 GURNET ROAD; DEMOLISH AN EXISTING SINGLE FAMILY HOME AND PAVED AREA AND CONSTRUCT A NEW SINGLE FAMILY HOME AND PAVED DRIVEWAY

SE18-1705

Richard Servant of Stenbeck & Taylor, representing the Martins, described the information he has submitted since the last hearing which included a soils report. Joe Grady said the soil analysis done by Peter Fletcher shows the house is located on a glacial deposit and therefore eligible for a full foundation. The existing coverage is 41% and the proposed coverage is 34% in the buffer zone.

On a motion by Sam Butcher seconded by Holly Morris it was voted 5-0-0 to write Orders of Conditions for SE18-1705, 59 Gurnet Road.

CONTINUED PUBLIC HEARING; ANRAD; HARRINGTON; 0 TREMONT STREET; WETLANDS DELINEATION

SE18-1704

Richard Servant of Stenbeck & Taylor, representing the applicant, reviewed the wetlands biologist report by Pinebrook Consulting that was submitted since the last hearing. It identifies the resource area as an isolated land subject to flooding under the MA Wetlands Protection Act and as an isolated vegetated wetlands under the Town Wetlands Protection Bylaw.

On a motion by Holly Morris, seconded by Sam Butcher, it was voted 5-0-0 to accept the Resource Area Delineation for 0 Tremont Street, SE18-1704.

CONTINUED PUBLIC HEARING; PATEL; 20 BRADFORD ROAD; REVETMENT

SE18-1698

The applicant has requested a continuance. On a motion by Sam Butcher, seconded by Dianne Hearn, it was voted 5-0-0 to continue SE18-1698 until September 15 at 7:30 PM.

CONTINUED PUBLIC HEARING; BAKER; 30 BRADFORD ROAD; REVETMENT

SE18-1697

The applicant has requested a continuance. On a motion by Sam Butcher, seconded by Robb D'Ambruoso, it was voted 5-0-0 to continue SE18-1697 until September 15 at 7:32 PM.

PUBLIC HEARING; HUMMOCK LLC; 71 OCEAN ROAD NORTH; SINGLE FAMILY HOME ON PILES, DRIVEWAY, UTILITIES

SE18-1707

Sam Butcher recused himself because he has worked with Mr. Brodsky who is representing Jim Duffy, the applicant. Attorney Adam Brodsky provided some background on the property. On 2004 Orders of Conditions were written to tear down cottages located on the property and build 5 cottages. In 2012 the number was reduced from 5 to 2 cottages; the Orders of Conditions have now expired. Culverts under Gurnet Road restored marsh that was not present in 2004; the property has limited upland and is being combined into 1 property with 1 single family house.

Rick Grady explained that the house will be elevated on piles above the flood zone. Access will be from Ocean Road N. There will be a gravel drive with additional parking. They will remove the Hummock Lane debris and install a gate to limit access, and create a swale to divert runoff

away from Hummock Lane. The previous coverage for the 5 cottages was 2310 square feet, they are proposing 1344 square feet of roof coverage (does not include decks).

Joe Grady said the narrative provided with the NOI describes an area of coastal dunes area that is not delineated on the plan. He said all resource areas need to be on the plan in order for the Commission to evaluate the performance standards. He also does not agree with the salt marsh delineation. The plan from the original 2004 project showed a barrier beach, coastal dune, and coastal bank that are not shown on the submitted plan.

Rick Grady said the project meets the performance standards and would even if the entire area is a coastal dune. Joe Grady said the resource areas need to be defined in order for the commission to determine if performance standards are met. Mr. Brodsky said there is a large area of coastal dune and asked if only the part where work is proposed can be delineated rather than for the entire site. Joe Grady said areas of coastal dune, coastal bank, barrier beach, and a salt marsh delineation must be presented to the Commission on the plan.

Margaret Tufts of 4 Cable Hill Way said she is concerned with the integrity of the hill where her home is located and the flooding around the hill. Don Norris of 53 Ocean Road North said he is in favor of the project. A neighbor at 225 Gurnet Road expressed concerns about the gate and parking lot on Hummock Lane, saying he may own part of the way. Mr. Brodsky said the proposed gate is on the applicant's property and he has rights to use Hummock Lane. Ginny Carter of 225 Gurnet road expressed concerns over the narrowness of Hummock Lane and having additional parking. A neighbor at 223 Gurnet road said based on her land survey, she owns a section of the parking lot. Two neighbors expressed concern with the trash on the existing lot and say the area be improved by this project.

On a motion by Holly Morris, seconded by Dianne Hearn, it was voted 4-0-0 (Mr. Butcher recused himself from this hearing) to continue the hearing for SE18-1707, 71 Ocean Road North, until September 15 at 7:35 PM.

**DISCUSSION; PROPOSED MODIFICATIONS TO PROJECT; HOFFMAN 5 CONGRESS STREET
SE18-1675**

Mr. Hoffman said the address for this property is now 11 Congress Street. He is proposing modifications to the driveway, that pervious pavement only be used to the areas within the resource area, and that impervious pavement be used outside the resource area. This request is being driven by cost considerations. Additionally, he is asking that the utilities that are shown overhead on the plan be allowed to be placed under the road.

Neil Doherty, an abutter, is concerned about how these possible changes could impact the WPOD.

The Commissioners reached a concensus that these changes can be made under the existing orders, and that they be incorporated in to the Orders of Conditions by their vote.

On a motion by Sam Butcher, seconded by Corey Wisneski, it was voted 5-0-0 to allow the installation of utilities under the driveway by mini excavator or by hand and to allow the use of impervious pavement only in the resource area as shown on the plan provided by Mr. Hoffman.

PUBLIC MEETING; DPW; TEMPLE ST & CRANBERRY DRIVE; WATER MAIN EXTENSION AND WATER MAIN INTALLATION

Brian Train of Environmental Partners Group presented the project. The work will be done either this fall or next spring. The water main will be extended on Temple Street and replaced along Cranberry Drive. Appropriate erosion control barriers will be used and siltation controls will be maintained until the pavement is completed.

On a motion by Sam Butcher, seconded by Holly Morris, it was voted 5-0-0 to issue a negative determination so that a Notice of Intent is not required for the this project.

ADMINISTRATIVE MATTERS

Certificates of Compliance

SE18-1570; 1010 Congress Street: Joe Grady has inspected the property, the required documentation has been submitted, the project conforms to the Orders of Conditions and he recommends Certificates of Compliance be issued. On a motion by Sam Butcher, seconded by Holly Morris, it was voted 5-0-0 to issue Certificates of Compliance for SE18-1570, 1010 Congress Street.

Minutes:

On a motion by Sam Butcher, seconded by Holly Morris, it was moved to approve the minutes of **June 23, 2015** as written by a vote of 5-0-0 noting that Dianne Hearn and Robb D'Ambruoso were not present at the meeting on June 23, 2015.

On a motion by Sam Butcher, seconded by Holly Morris, it was moved to approve the minutes of **July 3, 2015** as written by a vote of 5-0-0.

On a motion by Holly Morris, seconded by Sam Butcher, it was moved to approve but not release the Executive Session minutes of **July 27, 2015** as written.

On a motion by Sam Butcher, seconded by Holly Morris, it was moved to approve the minutes of **July 28, 2015** as written by a vote of 5-0-0.

Adjournment: On a motion by Sam Butcher, second by Dianne Hearn, it was voted 5-0-0 to adjourn the meeting at 8:55 pm.

MATERIALS REVIEWED AT THE MEETING

RDA materials for 199 Kingstown Way
NOI application materials for 212 Marshall Street
NOI Materials for 129 Duck Hill Road
NOI Materials for 59 Gurnet Road
ANRAD materials for 0 Tremont Street
NOI Materials for 71 Ocean Road North
Proposed Modifications to 5 Congress Street SE18-1675
RDA Materials for Temple & Cranberry Streets